

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

John Kevin Hartley  
aka John K Hartley  
aka John Hartley  
102 Balmoral Cir  
Goose Creek, SC 29445  
SSN Ending 8738

DEBTOR(S)

CASE NO: 21-01714-dd

CHAPTER: 7

NOTICE AND APPLICATION FOR SALE OF  
PROPERTY FREE AND CLEAR OF LIENS

TO: All Creditors and Parties in Interest

Kevin Campbell, Chapter 7 Bankruptcy Trustee, has filed papers with the court to obtain approval to sell the property of the debtor's estate described below free and clear of all liens and encumbrances according to the terms and conditions stated below.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to approve the sale of the property, or you want the court to consider your views on the application, then within twenty-one (21) days of service of this notice, you or your attorney must:

File with the court a written response, return, or objection at:

1100 Laurel Street  
Columbia, SC 29201

Responses, returns, or objections filed by an attorney must be electronically filed in [ecf.scb.uscourts.gov](http://ecf.scb.uscourts.gov).

If you mail your response, return, or objection to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also send a copy to:

KEVIN CAMPBELL, TRUSTEE, Post Office Box 684, Mt. Pleasant, SC 29465

Attend the hearing scheduled to be heard on January 25, 2022, at 9:00 a.m. at the United States Bankruptcy Court, 145 King Street, Suite 225, Charleston, South Carolina. *THIS HEARING MAY BE HELD TELEPHONICALLY AT THE COURT'S DETERMINATION DUE TO PRECATUTIONS*

If no response, return, and/or objection is timely filed and served, no hearing will be held on this application, except at the direction of the judge.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

TYPE OF SALE: Private Sale.

PROPERTY TO BE SOLD: The Estate's interest in real property known 102 Balmoral Circle, Goose Creek, SC 29445

**NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITHOUT ANY WARRANTIES WHATSOEVER INCLUDING, BUT NOT LIMITED TO, WARRANTY AS TO TITLE. THE BUYER AGREES TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE OR PURPOSE. THE BUYER SHOULD HAVE THE TITLE TO THE PROPERTY RESEARCHED BEFORE THE CONSUMMATION OF THE SALE. THE TRUSTEE DOES NOT PROVIDE LIEN OPINIONS. THE BUYER HAS BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.**

PRICE: \$210,000.00 cash or certified funds plus an additional \$5,000.00 to be paid directly to the bankruptcy estate for a total sales price of \$215,000.00.

APPRAISAL VALUE: \$215,000.00 per Trustee's real estate agent.

BUYERS: Christopher Hamilton and Amber Hamilton, or their assigns, whose address is 8 Pony Lane, Charleston, SC 29407. (The buyers are good faith purchasers for value under §363(m) and do not have any known adverse interest in this case or any parties involved in this case, including the Debtor, Debtor's counsel and the U.S. Trustee's office. The Buyer is not a creditor of the Debtor).

PLACE, DATE AND TIME OF SALE: This sale shall take place as soon as possible following the entry of the Order Approving the Sale by the U.S. Bankruptcy Court at a date, place and time to be agreed upon by the parties.

SALES AGENT/AUCTIONEER/BROKER/ETC.: BK Global Real Estate Services ("BKRES") whose address is 1095 Broken Sound Parkway, N.W., Suite 100, Boca Raton, FL 33487 and telephone number is 561-206-0067 is the Real Estate Broker; Tracie Mays of Tracie Mays and Associates whose address is 114 Candleberry Cir, Goose Creek, SC 29445 and whose telephone number is 843-568-6060 is the Local Listing Agent.

EXPENSES OF SALE: Normal Seller's closing costs are estimated to be approximately \$4,000.00, being approximately 2% of the gross sale price. The Chapter 7 Trustee will also be reimbursed for the \$188.00 filing fee paid by him to the U.S. Bankruptcy Court.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: \$12,600.00 or approximately 6%.

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the Court (but not to exceed the limits set in 11 U.S.C. §326(a)).

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: The sale is free and clear of all liens, encumbrances and judgments. This sale is subject to any easements, covenants or restrictions of record.

There is a valid first mortgage lien held against this real property by Citibank in the approximate amount of \$184,000.00. This obligation should be paid in full at closing unless otherwise agreed by the mortgage creditor. The actual pay-off, including any accrued interest, fees or other charges, shall be confirmed in writing from the lender before closing.

The HOA balance with Braemoor Homeowners Association, Inc. is approximately \$1,997.00. This obligation should be paid in full at closing unless otherwise agreed by the creditor.

There is a judgment lien held against this real property by South Carolina Federal Credit Union in the approximate amount of \$18,487.30. The attorney for the Debtors filed a Motion to avoid this judgment lien, which was approved by the Court.

The net amounts might increase or decrease depending on the actual payoffs and closing costs.

The Trustee is not aware of any other liens, judgments, or other encumbrances. To the extent they may exist, they are disputed and they shall attach to the estate's interest in the net sale of proceeds pursuant to 11 U.S.C. §363(f)(4).

A certified copy of the Order approving the sale may be filed with the appropriate clerk and/or recorded with the recorder to cancel any liens and other encumbrances of record as provided for in this notice.

DEBTOR'S EXEMPTION: Not applicable

PROCEEDS ESTIMATED TO BE PAID TO THE ESTATE: Approximately \$5,000.00 for the Trustee fee plus any net surplus funds remaining after payoffs and closing costs (estimated to be approximately \$7,000.00) for a total of approximately \$12,000.00.

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

Mt. Pleasant, SC  
Dated: 12/7/2021

/s/ Kevin Campbell  
KEVIN CAMPBELL, TRUSTEE  
Post Office Box 684, Mt. Pleasant, SC 29465  
(843) 884-6874/884-0997(fax)  
District Court ID No. 30  
[kcampbell@campbell-law-firm.com](mailto:kcampbell@campbell-law-firm.com)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

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CERTIFICATE OF MAILING

I, Suzanne Chisholm, attorney for the Chapter 7 Trustee, hereby certify that I have this day mailed a true and correct copy of the following:

Notice of sale and Proposed Order

by United States Postal Service, to the following parties:

1. SEE ATTACHED MAILING MATRIX
2. Christopher Hamilton and Amber Hamilton, 8 Pony Lane, Charleston, SC 29407

/s/ Suzanne Chisholm  
Suzanne Chisholm  
Campbell Law Firm, P.A.  
Post Office Box 684  
Mount Pleasant, SC 29465  
Phone No.: (843) 884-6874  
Facsimile No.: (843)884-0997  
Scampbell@campbell-law-firm.com

Dated: 12/7/2021